

PROB 12C  
(7/93)

Report Date: January 22, 2010

## United States District Court

for the

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAN 25 2010

JAMES R. LARSEN, CLERK  
DEPUTY  
YAKIMA, WASHINGTON

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Frank Soliz

Case Number: 2:09CR02009-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 11/4/2005

Original Offense: Conspiracy to Distribute Cocaine, 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846

Original Sentence: Prison - 60 Months; TSR - 60 Months      Type of Supervision: Supervised Release

Asst. U.S. Attorney: Gregory M. Shogren

Date Supervision Commenced: 10/23/2008

Defense Attorney: Diane E. Hehir

Date Supervision Expires: 10/22/2013

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 PETITIONING THE COURT

To issue a warrant and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 2/9/2009.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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4	<b><u>Mandatory Condition #2:</u></b> The defendant shall not commit another Federal, state, or local crime.
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**Supporting Evidence:** On January 7, 2010, Frank Soliz was arrested and charged with fourth degree assault, Sunnyside Municipal Court case number 69735.

Preliminary information obtained from the Sunnyside Police Department indicates the defendant is alleged to have assaulted his stepfather. Court records indicate the defendant appeared for arraignment on January 11, 2010, and was released on his own recognizance. His next hearing is set for January 26, 2010.

5	<b><u>Mandatory Condition #4:</u></b> The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.
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**Supporting Evidence:** On September 22, 2009, Frank Soliz submitted a urine sample at Merit Resource Services (Merit) which tested presumptive positive for methamphetamine. The test result was confirmed by Kroll Laboratories on September 28, 2009.

- 6      **Standard Condition #3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** On January 13, 2010, Frank Soliz failed to report to the U.S. Probation Office as directed.

On January 13, 2010, the defendant was scheduled to appear for sentencing on a pending state drug charge (Yakima County Superior Court case number 09-1-00124-9). While waiting for his case to be called, the undersigned officer contacted the defendant and instructed him to report for an office visit immediately following his sentencing hearing. The defendant was advised that if he was taken into custody he was to report within 24 hours of his release. Mr. Soliz related he understood and said he would report as directed. Later that day contact with court personnel revealed the defendant failed to appear for sentencing and a bench warrant for his arrest was issued in the amount of \$75,000.

To date, the defendant has failed to report or contact the U.S. Probation Office and his whereabouts remain unknown.

- 7      **Special Condition #16:** You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and the treatment provider.

**Supporting Evidence:** Frank Soliz failed to report to Merit for treatment sessions on January 7, 13, and 14, 2010.

On January 20, 2010, contact was made with Merit personnel who advised the defendant's treatment file would be closed due to his failure to report for treatment services.

- 8      **Special Condition #17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Frank Soliz failed to report for a urinalysis test at Merit on January 13, 2010.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/22/2010


s/Jose Vargas

Jose Vargas  
U.S. Probation Officer

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### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other

  
Signature of Judicial Officer

1/25/10  
Date